

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ALBERT J. GARRY,  
Plaintiff,

v.

JOSH YEAGER,  
Defendant.

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No. 3:21-cv-00813-B (BT)

**NOTICE OF DEFICIENCY AND ORDER**

Upon review of the papers and pleadings filed in the above styled and numbered cause, the following deficiencies appear:

- ☒ Complaint is not in compliance with Federal Rule of Civil Procedure 8(a).
- ☐ Signature of the attorney of record or each party proceeding *pro se* is required on each pleading, motion or other paper filed by that party. (See Federal Rule of Civil Procedure 11). Plaintiff(s) must submit a new and properly signed: ☐ complaint. ☐ request to proceed *in forma pauperis*.
- ☐ The \$402 fee has not been paid nor has a proper request to proceed *in forma pauperis* been submitted.<sup>1</sup>
- ☐ A request to proceed *in forma pauperis* must include a financial affidavit. See 28 U.S.C § 1915(a)(1).
- ☐ The pleadings are not filed on the appropriate form.

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<sup>1</sup>As of December 1, 2020, a \$52 administrative fee will be assessed in addition to the \$350 filing fee, resulting in a total filing fee of \$402 for a civil action in which the plaintiff has not sought or been granted leave to proceed *in forma pauperis*. *See* District Court Miscellaneous Fee Schedule.

**The Clerk of the Court shall take the following indicated action:**

- ☒ A true copy of this order shall be mailed to each plaintiff or his/her attorney of record. No further process shall issue except upon order of the Court.
- ☐ A form application to proceed *in forma pauperis* shall be mailed to each plaintiff.
- ☒ A copy of Federal Rule of Civil Procedure 8 shall be mailed to plaintiff.
- ☒ The Pro Se 1 Complaint for a Civil Case from the United States Courts's website shall be mailed to plaintiff.

It is hereby **ORDERED** that plaintiff shall cure each deficiency by May 10, 2021. Failure to comply with this order will result in a recommendation that the complaint be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SIGNED April 9, 2021.

  
REBECCA RUTHERFORD  
UNITED STATES MAGISTRATE JUDGE